

REMARKS

This response is submitted in response to the Final Office Action dated May 29, 2008, and is submitted in conjunction with the enclosed Request for Continued Examination. Claims 1-41 are currently pending. Claims 1-41 are rejected in this Office Action. Claims 1, 9, 17, 23, 27, 31, and 35-41 are currently amended. No new matter has been added by these amendments.

As noted above, Applicants have filed a Request for Continued Examination with this Response. Accordingly, Applicants request that the Examiner provide an upcoming Office Action which will “. . . identify any claims which he or she judges, as presently recited, to be allowable and/or . . . suggest any way in which he or she considers that rejected claims may be amended to make them allowable” in accordance with §707.07(d) of the MPEP.

Rejections Under 35 U.S.C. § 103

The Office Action rejected Claims 1-3, 7-9, 15-18, 23, 26, 27, 30, 31, and 35-41 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,195,503 to Ikedo et al. (“*Ikedo*”), in view of U.S. Patent No. 5,933,570 to Fujita (“*Fujita*”). Applicant respectfully disagrees with, and traverses these rejections. Nonetheless, Applicant has amended certain of the claims for clarity.

Independent Claim 1 has been amended to provide, in part, that: “said file recording device assigns a stream in which video data serving as a stream and sound data serving as a stream are multiplexed to one piece of said actual data to form said actual data block, forms said middle-level hierarchical management information block corresponding to said multiplexed stream, sets information necessary for reproducing said multiplexed stream, information necessary for reproducing said video data serving as said stream, and information necessary for reproducing said sound data serving as said stream to the low-level hierarchical block of the middle-level hierarchical management information block, sets information necessary for non-destructive editing said actual data to the low-level hierarchical block of the middle-level hierarchical management information block, and records said multiplexed stream in said recording medium as a file with said format.”

The amendments are fully supported in the specification. For example, paragraph 91 of the published patent application states, in part, “The edit atom (edit) includes an edit list atom (edit list) as necessary, and is arranged so as to be employed for non-destructive editing by

setting information such as time information up to an in point and an out point, and reproduction speed to this edit list atom.”

Applicant respectfully submits that *Ikedo* and *Fujita*, alone or in combination, do not anticipate or render obvious setting information necessary for non-destructive editing actual data to a low-level hierarchical block of a middle-level hierarchical management information block, wherein a stream in which video data serving as a stream and sound data serving as a stream are multiplexed to one piece of said actual data to form said actual data block. On the other hand, amended independent Claim 1 is directed to a file recording device, wherein video data serving as a stream and sound data serving as a stream are *multiplexed to one piece of actual data* to form said actual data block, and the information necessary for non-destructive editing said actual data is therefore information necessary for non-destructive editing of multiplexed data.

For example, Figure 12 and paragraph 109 of the published patent application disclose that “[w]ith the stream control track (Stream Control Track), control information according to reproduction is assigned to the respective streams within the program stream, and with this embodiment, information indicating enabling or disabling of reproduction is provided in this control information. Thus, a stream control track is generally not provided in an original state, but provided by editing.” In this example embodiment, illustrated in Figure 12, the MPEG-2 PS Track includes a Video Stream (Stream Identifier = ID1), Sound-1 Stream (Stream Identifier = ID2), and Sound-2 Stream (Stream Identifier ID3), which are multiplexed into one block of actual data (the MPEG-2 PS Track). Upon reproduction of the MPEG-2 PS Track, without editing information, each stream is reproduced. However, the Stream Control Track, which is provided by editing, is programmed to disable the Sound-1 and Sound-2 streams, for example, such that only the Video stream is reproduced. In so doing, the MPEG-2 PS Track recorded in the file recording device is not altered. That is, the Sound-1 and Sound-2 streams are not removed from the MPEG-2 PS Track data block, and can be later included in reproduction by further editing. Accordingly, including information for non-destructive editing of multiplexed data is beneficial in that individual streams of video data and sound data, which are multiplexed into a single data block, can be edited without destroying the original multiplexed data.

Ikedo does not disclose or suggest including information necessary for non-destructive editing actual data, wherein video data serving as a stream and sound data serving as a stream are multiplexed to one piece of the actual data. Although *Fujita* discloses editing information for

individual video tracks and sound tracks, *Fujita* does not anticipate or render obvious editing information for individual video and sound streams of multiplexed data. Thus, *Fujita* does not cure the deficiencies of *Ikedo*.

For at least these reasons, amended independent Claim 1 is patently distinguished over *Ikedo* and *Fujita*, and is in condition for allowance.

Claims 2, 3, 7, and 8 depend directly or indirectly from amended Claim 1 and are allowable for similar reasons as given above with respect to amended Claim 1, and because of the additional features recited in these claims.

Amended independent Claims 9, 17, 23, 27, 31, and 35-41 have each been amended to include elements similar to the elements of amended Claim 1, and are allowable for similar reasons, and because of the additional features recited in these claims.

Claims 15 and 16, 18, 26, and 30 depend directly and indirectly from amended independent Claims 9, 17, 23, and 27, respectively, and are allowable for similar reasons, and because of the additional features recited in these claims.

The Office Action rejected Claims 5, 6, 13, 14, 21, 22, 25, 29, 33, and 34 under 35 U.S.C. § 103(a) as being unpatentable over *Ikedo* in view of *Fujita*, and further in view of U.S. Patent No. 6,285,826 to Murase et al. ("*Murase*"). Applicant disagrees with, and traverses these rejections.

Claims 5 and 6 depend directly or indirectly from amended independent Claim 1. For at least similar reasons as given above with respect to amended Claim 1, Claims 5 and 6 are patently distinguished over *Ikedo* in combination with *Fujita*. *Murase* does not cure the deficiencies of *Ikedo* and *Fujita*. Therefore, Claims 5 and 6 are patently distinguished over *Ikedo*, *Fujita*, and *Murase*, and are in condition for allowance.

Claims 13 and 14, 21 and 22, 25, 29, and 33 and 34 depend directly or indirectly from amended independent Claims 9, 17, 23, 27, and 31, respectively. For at least similar reasons as given above with respect to amended independent Claims 9, 17, 23, 27, and 31, Claims 13 and 14, 21 and 22, 25, 29, and 33 and 34 are patently distinguished over *Ikedo*, *Fujita*, and *Murase*, and are in condition for allowance.

The Office Action rejected Claims 4, 10, 11, 12, 19, 20, 24, 28, and 32 under 35 U.S.C. § 103(a) as being unpatentable over *Ikedo* in view of *Fujita*, and further in view of U.S. Patent No. 5,751,356 to Suzuki ("*Suzuki*"). Applicant disagrees with, and traverses these rejections.

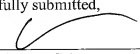
Claim 4 depends directly from amended independent Claim 1. For at least similar reasons as given above with respect to amended Claim 1, Claim 4 is patently distinguished over *Ikedo* in combination with *Fujita*. *Suzuki* does not cure the deficiencies of *Ikedo* and *Fujita*. Therefore, Claim 4 is patently distinguished over *Ikedo*, *Fujita*, and *Suzuki*, and is in condition for allowance.

Claims 10, 11, and 12, 19 and 20, 24, 28, and 32 depend directly or indirectly from amended independent Claims 9, 17, 23, 27, and 31, respectively. For at least similar reasons as given above with respect to amended independent Claims 9, 17, 23, 27, and 31, Claims 10, 11, and 12, 19 and 20, 24, 28, and 32 are patently distinguished over *Ikedo*, *Fujita*, and *Murase*, and are in condition for allowance.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,

BY



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Dated: August 29, 2008